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PATENT
P55890A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SUNG-KOOG OH et al.

Serial No.: 10/059,342

Examiner: FIORILLA, CHRISTOPHER A.

Filed: 31 January 2002

Art Unit: 1731

For: OPTICAL FIBER PREFORM MANUFACTURING METHOD FOR SHRINKAGE
AND CLOSING OF DEPOSITED TUBE (as amended)

INFORMATION DISCLOSURE STATEMENT

Mail Stop Non-Fee Amendment

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56, and 1.97 and 1.98 applicant cites, lists, and discusses and encloses copies of the following art references cited in a *Notification of the Reason for Objection* from the Japanese Patent Office issued on the 4th of February corresponding Japanese patent application No. 2000-586648.

JAPANESE PATENT REFERENCES:

<u>Publication No.</u>	<u>Inventor</u>	<u>Published Date</u>
• Sho 52-56945	Sugimoto <i>et al.</i>	5 October 1977

"Processing Of Tubular Optical Fiber Material"
and English language Abstract for Sho 52-56945

- Sho 51-11714 Tanigawa *et al.* unknown
"Apparatus To Manufacture Optical Fiber Material"
and English language Abstract for Sho 51-11714
- Hei 3-242342 Kamiya 29 October 1991
"Production Of Preform For Optical Fiber"
and English language Abstract for Hei 3-2242342
- Sho 63-315530 Kawakami *et al.* 23 December 1988
"Production Of Optical Fiber Preform"
and English language Abstract for Sho 63-315530
- Sho 51-20917 Tsukuda 19 February 1976
"Production Of Tube and Rod"
and English language Abstract for Sho 51-20917
- Sho 59-182243 Tsukamoto *et al.* 29 March 1983
"Manufacture Of Optical Fiber"
and English language Abstract for Sho 59-182243
- Sho 52-050247 Imoto *et al.* 22 April 1977
"Process For Manufacturing Optical Fiber"
and English language Abstract for Sho 52-050247

OTHER DOCUMENTS:

- Office action and *Notification of the Reasons for Objection* issued by the Japanese Patent Office on the 21st day of First Month of 15 years of the Heisei reign (24th of January 2003) in corresponding co-pending Japanese patent application assigned serial No. 2000-247833.

DISCUSSION

As explained by the Japanese Patent Office in its Notification of the Reasons for Objection, Sugimoto JP '945 and Tanigawa JP '843 make the claimed invention "easily foreseeable" as a "method of manufacturing the optical fiber preform using inner CVD method ... to supply Cl gas He gas into the glass tube, dehydrate and then collapse ..., to collapse reducing pressure on glass tube with one enclosed edge, to collapse a glass tube moving reciprocatedly cylindrical burner or cylindrical electric furnace."

Sugimoto JP '945 contemplates forming a rod-like optical fiber with good circularity, from a molten section that is free from any space on a portion of a tubular optical fiber material while moving a heating body along the lengthwise direction of the material and subsequently moving the heating body in the same direction.

Tanigawa JP '843, of unknown date, although stamped and sealed by the Japanese Patent, bears no date, except the legend "day, month and year." Tanigawa JP '843 contemplates providing a heating source "that heats and melt the tubular optical fiber material with accumulated optical fiber glass on the inner walls into rod-like optical fiber material without any air gap and the container that keeps the said heating body in the air excluding the acid air to prevent consumption of the heating

body while the structure keeping the quantity of flowing air in the said container, moving elastically along the lengthwise direction of the material and covering said tubular glass material.

Kamiya JP '342 contemplates a relatively low refractive index glass layer for a clad that is formed on the inner periphery surface of a glass tube by using a MCVD method, and then depositing fine glass particles on the inside of the low refractive index glass layer. The deposited layer of fine glass particles is subsequently dehydrated.

Kawakami JP '530 discusses the production of an optical fiber preform but depositing metallic fine oxide particles containing SiO₂ on the inner wall of a quartz tube in order to form a porous deposit layer, passing the dehydrating agent through the quartz tube in order to dehydrate the porous deposited layer, transparently vitrifying the porous deposited layer while passing the dehydrating agent through the quartz tube and collapsing the quartz tube in a state while filled with the dehydrating agent.

Tukuda JP '917 discusses the manufacture of the tube or rod with a smaller diameter than the tube, and contracting the diameter the tube by heating tube while reducing the pressure inside of the tube.

Tsukamoto JP '243 has a hollowing glass that is used as the starting material, attached to a rotary support while oxygen gas and a raw material gas used for forming the glass layer is introduced into the rotating glass tube.

Imoto JP '247 discusses the manufacture of optical fibers with the use of vapor phase chemical reactions, by producing low-loss optical fibers having a full circular shape with less diametrical fluctuations, by integrating the process of the fabrication for a perform with the process

of the wire drawing .

Pursuant to 37 CFR § 1.97 (e)(1), each item of information contain the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

The Examiner stated in Paper No. 0803 dated 25 August 2003, that Japanese patent reference 51-11714 was not identified with the date and that "this reference has not been considered as to the merits." Examination of this Japanese patent reference shows that singly devoid of any date, and embarrass the legend "year, month and day" in Japanese, but contains no other information. The document itself is under seal of the Japanese Patent & Trademark Office, and bears the stamp and signatures, together with the Application and Publication Nos., but no date. Accordingly, Applicant listed this reference as "date unknown." The Examiner's attention is invited to 37 CFR § 1.97(c) which pertains to the certification; nothing in rule 97 requires Applicant to make any other certification and nothing in rule 97 authorizes the Examiner to refuse to consider any reference.

The Examiner's attention is further invited to § 609 of the Manual of Patent Examining Procedure (August 2001), which simply requires identification of "the publication date indicated on the patent or published application." Where no date is indicated, that fact is established by Applicant's use of the phrase "date unknown." This is the procedure filed by the Applicant here. The Examiner's refusal to consider this references therefor, improper. Moreover, with the application number and publication number, the Examiner is, on a real-time basis, with an equipment placed on the Examiner's desk by the Commissioner, able to download the copy of the issued

publication No. 52-103843, which is the same number appearing on the copy provided by Applicant to the Examiner. It is curious that the Examiner did not follow the procedure required by the Commissioner. Despite this, the Examiner is requested to enter and consider all of the references cited in this re-filed Information Disclosure Statement.

No fees are incurred by this statement, and nothing in either 37 CFR § 1.97(c) or MPEP § 609 paragraph C(1) imposes any fees upon the Applicant who re-submits the Information Disclosure Statement to assist the Examiner in correcting the Examiner's error, is required.

Respectfully submitted,



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I.D.: REB/asc

INFORMATION DISCLOSURE STATEMENT PTO-1449		SERIAL NUMBER 10/059,342	DOCKET NO. P55890A
		APPLICANT Sung-Koog OH et al.	
		FILING DATE 31 January 2002	GROUP to be assigned

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PATENT & TRADEMARK OFFICE*

U.S. PATENT DOCUMENTS

EXAMINE	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE

FOREIGN PATENT DOCUMENTS

TRANSLATION

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	YES	N
	JP 52-56945	10/77	Japan			Abstract	
	JP 51-11714	unknown	Japan			Abstract	
	JP 03-242342	10/91	Japan			Abstract	
	JP 63-315530	12/88	Japan			Abstract	
	JP 51-20917	02/76	Japan			Abstract	
	JP 59-182243	03/83	Japan			Abstract	
	JP 52-50247	04/77	Japan			Abstract	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	"Notification of the Reasons for Objection" issued by Japanese Patent Office dated on 24 January 2003

EXAMINER: _____ DATE CONSIDERED: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.